UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,861	08/20/2001	Rajesh Bhatia	BIZ/01-0008	7426

22874 7590 01/12/2007		EXAMINER
GANZ LAW, P.C.		DUNHAM, JASON B
P O BOX 2200	ART UNIT	PAPER NUMBER
HILLSBORO, OR 97123	3625	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12 October 2006*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *26-53* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☐ Claim(s) *26-53* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *20 August 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The affidavit filed on July 13, 2006 under 37 CFR 1.131 is sufficient to overcome

the Geddes (U.S. Patent Application Publication No. 2005/0192870) reference which

has a priority date of June 21, 2000.

Applicant's request for reconsideration of the finality of the rejection of the last

Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claims 26-53 are pending in this application.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this

application because of uneven shading in figures rendering them difficult to read.

Applicant is advised to employ the services of a competent patent draftsperson outside

the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings.

The corrected drawings are required in reply to the Office action to avoid abandonment

of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claim 36 contains the trademark/trade name Internet Explorer. Where a

trademark or trade name is used in a claim as a limitation to identify or describe a

particular material or product, the claim does not comply with the requirements of 35

U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App.

1982). The claim scope is uncertain since the trademark or trade name cannot be used

properly to identify any particular material or product. A trademark or trade name is

used to identify a source of goods, and not the goods themselves. Thus, a trademark or

trade name does not identify or describe the goods associated with the trademark or

trade name. In the present case, the trademark/trade name is used to identify/describe

a web browser and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 26-34 are rejected under 35 U.S.C. 102(e) as being anticipated by

Slotznick (U.S. Patent 5,983,200).

Referring to claim 26. Slotznick discloses a method for context personal

browsing comprising:

- Providing a remote computer system, the remote computer system receiving

    data from a client computer system having a browser companion agent including

    one or more than one associated service modules that assist a user of the client

computer system by providing services that are contextually relevant to content on a browser on the client computer system, the data received by the remote computer system being determined according to the content page present on a browser of the client computer system or the user associated with the client computer system (Slotznick: abstract);

- Determining from the page data at least one set of data or executable code that corresponds to a service module associated with the browser companion agent (Slotznick: abstract and figure 2).

- Sending the data or code to the browser companion agent for use by the service module (Slotznick: column 12, lines 56-67).

Referring to claim 27. Slotznick further discloses a method wherein the service module is a transaction tracking service (Slotznick: column 5, lines 41-51).

Referring to claim 28. Slotznick further discloses a method wherein the browser companion agent includes at least two of the service modules (Slotznick: column 5, lines 41-51).

Referring to claim 29. Slotznick further discloses a method wherein the data or code sent to the browser companion agent is determined by parsing the page for elements matching elements in a database, the elements in the database corresponding to the code or data to send to the remote computer system (Slotznick: column 3, lines 7-28).

Referring to claim 30. Slotznick further discloses a method wherein the data or code sent to the browser companion agent is determined by looking up in a database

corresponding code or data to send to the remote computer system (Slotznick: column

3, lines 7-28).

Referring to claim 31-34. Claims 31-34 are rejected under the same rationale as

set forth above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 36-48 and 51-53 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Slotznick (U.S. Patent 5,983,200) in view of Perkowski (U.S.

Patent Application Publication No. 2003/0158792).

Referring to claim 36. The combination of Slotznick and Perkowksi discloses a

method wherein the browser comprises a version of Internet explorer and the

companion agent comprises a browser helper object (Perkowski: abstract and

paragraph 16). It would have been obvious to one of ordinary skill in the art to have

modified the method of Slotznick to have included a browser helper object, as taught by

Perkowski, in order to assist with comparison shopping (Perkowski: paragraph 16).

Referring to claims 37-38. The combination of Slotznick and Perkowski further

discloses a method wherein the data sent to the remote computer system comprises the

location identifier for a page on the browser of the client computer system (Perkowski:

paragraph 11) and wherein the location identifier comprises a URL for the page (Perkowski: abstract).

Referring to claims 39-40. The combination of Slotznick and Perkowski further discloses a method wherein the data sent to the remote computer system comprises data about the content or structure on the page on the browser of the client computer system (Perkowski: paragraph 11).

Referring to claim 41. The combination of Slotznick and Perkowski further discloses a method comprising:

- From a first computer system, sending a service module for context personalized browsing comprising executable code to a second computer system, the second computer system including a browser companion agent comprising a service component for holding one or more service modules, a service module comprising code relating to providing a user of the second computer system information relating to an actual or potential e-commerce transaction (Slotznick: abstract).

- A data component for holding data related to one or more service modules (Perkowski: paragraphs 16 and 23);

- A tracking component for tracking the domain of a page presented on a browser and communicating page domain data to a remote computer system (Perkowski: paragraph 119);

- A receiving component for receiving data from the remote computer system responsive to the page domain data, the service module being installable in the

service component of the second computer system, the service module being sent to the second computer system also being useful to a user considering an e-commerce transaction (Perkowski: figures 1 and paragraph 119).

It would have been obvious to obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Slotznick to have included a data, tracking, and receiving component, as taught by Perkowski, in order to enable users to search and retrieve products (Perkowski: paragraph 16).

Referring to claim 42. The combination of Slotznick and Perkowski further discloses a method wherein the agent includes a user interface that is coupable to a browser, the user interface capable of receiving user input and sending the input to a remote computer system or displaying information received from a remote computer system (Perkowski: figure 4). The definition of coupable is unclear, however the examiner has interpreted it to mean the U.I. is able to couple with the browser.

Referring to claim 43-48. Claims 43-48 are rejected under the same rationale as set forth above.

Referring to claim 51. The combination of Slotznick and Perkowski further discloses a method wherein the services are invoked in a predetermined order based on assigned priorities (Perkowski: paragraph 16).

Referring to claim 52-53. The combination of Slotznick and Perkowski further discloses a method wherein the priority is assignable by the remote computer system or is set by one of the services (Perkowski: paragraph 16).

Claims 35,49, and 50 are rejected under 35 U.S.C. 103(a) as being

unpatentable over the combination of Slotznick and Perkowski and further in view

of Beck (U.S. Patent No. 6,138,139) .

Referring to claims 35,49, and 50. The combination of Slotznick and Perkowski

discloses all of the above as noted in the 102(e) rejection but does not expressly

discloses a method wherein a data or service module comprises a COM object. Beck

discloses a method wherein a service module comprises a COM object (Beck: abstract,

paragraphs 55-56). It would have been obvious to one of ordinary skill in the art at the

time of applicant's invention to have modified the method of Slotznick/Perkowski to have

included data or service modules comprising a COM object, as taught by Beck, in order

to interact with other electronic commerce applications (Beck: paragraph 56). Claim 50

is rejected under the same rationale set forth above.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jason B. Dunham whose telephone number is 571-272-

8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBD
Patent Examiner
1/8/07

MATTHEW S. GART
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600